



Berlin Commissioner
for Data Protection
and Freedom of Information

521.14730 / 631.410

CR: 134712

Draft Decision IMI A60DD 372925

Berlin, 26 April 2022

Final Decision

Preliminary remarks

The complaint (ref. no. 521.14730 / 631.410) was raised before the Berlin DPA in July 2021. It was transferred to the supervisory authority Sweden, which is the Lead Supervisory Authority (LSA) for the cross-border processing carried out by Klarna Bank AB, in accordance with Article 56 GDPR. The LSA Sweden conducted the investigation and the cooperation procedure with all concerned supervisory authorities in accordance with Article 60 GDPR. The LSA Sweden proposed the Draft Decision 372925 and thereby the complaint was dismissed /rejected. In accordance with Article 60 (8) GDPR, the Berlin DPA as the supervisory authority with which the complaint was lodged, hereby adopts the decision as it was agreed upon in the cooperation procedure and is included below:

“ Decision of the Swedish Authority for Privacy Protection (IMY)

The Authority for Privacy Protection (IMY) finds that Klarna not has processed personal data in breach of Articles 12.3, 12.6 and 15 of the General Data Protection Regulation (GDPR) 1 .

The case is hereby closed.

**Berlin Commissioner for Data Protection
and Freedom of Information (BlnBDI)**

Friedrichstr. 219, 10969 Berlin
Visitors' entrance: Puttkamerstr. 16-18

Phone: (030) 13889-0

Fax: (030) 215 50 50

Office hours: Daily from 10 am to 3 pm,
Thursdays from 10 am to 6 pm

Mail: mailbox@datenschutz-berlin.de

Web: www.datenschutz-berlin.de



Report on the supervisory report

The Authority for Privacy Protection (IMY) has initiated supervision regarding Klarna Bank AB (Klarna or the company) due to a complaint. The complaint has been submitted to IMY, as responsible supervisory authority for the company's operations pursuant to Article 56 of the General Data Protection Regulation (GDPR). The handover has been made from the supervisory authority of the country where the complainant has lodged their complaint (Germany, Berlin) in accordance with the Regulation's provisions on cooperation in cross-border processing.

The investigation in the case has been carried out through correspondence. In the light of a complaint relating to cross-border processing, IMY has used the mechanisms for cooperation and consistency contained in Chapter VII GDPR. The supervisory authorities concerned have been the data protection authorities in the Czech Republic, Denmark, Germany, Finland, Norway and Poland.

The complaint

The complaint states the following. On 6 June 2021, the complainant requested access to his personal data pursuant to Article 15 of the GDPR. When Klarna did not reply, a reminder of the request for access was sent on 11 June 2021 and 17 June 2021.

What Klarna has stated

Klarna is the data controller for the processing to which the complaint relates. The request was received by Klarna on 6 June 2021. Klarna has dealt with the request received and has taken the following steps. On 11 June 2021, Klarna's customer service requested the complainant to complete their request with information regarding the complainant's identity and requested the complainant's telephone number in order to send a verification code (to access the personal data). The complainant then provided the information regarding identity without giving a telephone number. On 17 June 2021, the complainant requested that the request be dealt with by 19 June 2021.

On 24 June 2021, Klarna's customer service again asked the complainant to provide a telephone number. The complainant submitted the information on the same day. The register extract with password was sent to the complainant on 12 July 2021. Klarna considers

that the extract of the register has been submitted within the timeframe set out in Article 12(3) of the GDPR after the complainant has provided the necessary information regarding their identity.

Justification of the decision

Applicable provisions, etc.

Article 12(3) of the GDPR requires the controller to provide the data subject, upon request, without undue delay and in any event no later than one month after receiving the request, with information on the actions taken pursuant to, *inter alia*, Article 15. The one-month time limit may be extended by a further two months where the request is particularly complex or the number of requests received is high. If the time limit of one month is extended, the controller shall inform the data subject of the extension. Notification of the extension of the deadline shall take place within one month of receipt of the request. The controller shall also indicate the reasons for the delay.

Without prejudice to Article 11, where the controller has reasonable grounds to doubt the identity of the natural person making a request pursuant to Articles 15 to 21, the controller may request the provision of additional information necessary to confirm the identity of the data subject. This is clear from Article 12(6).

Under Article 15, the data subject has the right to obtain from the controller a copy of the personal data processed by the controller. The data subject shall also receive other information, such as the purpose for which the personal data are processed and to which recipients or categories of recipients the data are disclosed.

The European Data Protection Board (EDPB) Guidelines 01/2022 on access indicate that the calculation of the one month deadline in Article 12(3) is calculated from the date of receipt of the request. However, where, following the request, a controller needs to take measures to ensure the identity of the data subject, the time limit may be suspended until the controller has received the information necessary to identify the data subject. This provided that the request for additional information has been made without undue delay.

Assessment of the Authority for Privacy Protection (IMY)

The investigation shows that the complainant's request for access was made on 6 June 2021 and that Klarna met the request on 12 July 2021, i.e. approximately one month later. It is also apparent that Klarna had doubts as to whether it was indeed the appellant who made the request and therefore, on 11 June 2021, asked the appellant to supplement the request with information for the purpose of verifying its identity and reminded it on 24 June 2021.

IMY considers that Klarna had reasonable grounds to doubt the identity of the appellant and has adequately requested proportionate information without undue delay. Since the complainant did not submit that information until 24 June 2021, the time limit did not start to run again until then. Furthermore, IMY considers that Klarna has handled the request without undue delay through the total 23 days.

IMY concludes against this background that the investigation in the case does not show Klarna has processed the complainant's personal data in breach of Articles 12(3), 12(6) and 15 of the GDPR.

The case is hereby closed.”

Appeal Notice

Against this decision a lawsuit before the Verwaltungsgericht Berlin (administrative court of Berlin), Kirchstraße 7, 10557 Berlin is admissible. The lawsuit needs to be filed in written form within one month after the announcement of this decision, it can also be filed as an electronic document with a qualified electronic signature (QES) for the record of the clerk of the court. Please, note that in case of filing the lawsuit in writing the legal deadline is only met if the lawsuit reaches the administrative court within the deadline.

The Berlin Commissioner for Data Protection
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